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Taiwan Sumida Electronics, Inc.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

\*E-FILED - 2/6/06\*

MONOLITHIC POWER SYSTEMS, INC., a  
Delaware corporation,

Plaintiff,

v.

TAIWAN SUMIDA ELECTRONICS, INC.,  
a Taiwan corporation,

Defendant.

TAIWAN SUMIDA ELECTRONICS, INC.,  
a Taiwan corporation,

Counterclaimant,

v.

MONOLITHIC POWER SYSTEMS, INC., a  
Delaware corporation,

Counterclaim Defendant.

CASE NO. C 05 03522 RMW

JOINT STIPULATION OF THE PARTIES  
REGARDING 60-DAY SUSPENSION OF  
RULE 26 REQUIREMENTS AND  
CONTINUANCE OF CASE MANAGEMENT  
CONFERENCE;

~~PROPOSED~~ ORDER

1 WHEREAS, plaintiff and counterclaim defendant Monolithic Power Systems,  
2 Inc. ("MPS") and defendant and counterclaimant Taiwan Sumida Electronics, Inc. ("TSE")  
3 (collectively, the "Parties") entered into an indemnification agreement on December 25, 2002, a  
4 copy of which is attached to TSE's Answer and Counterclaim;

5 WHEREAS, on January 6, 2003, litigation was brought against TSE in the United  
6 States District Court for the Eastern District of Texas, Case No. 03-7-JW and captioned *O<sub>2</sub>*  
7 *Micro International, Inc., et al. v. Sumida Corporation, et. al* (the "Texas Action");

8 WHEREAS, MPS purported to terminate the Indemnification Agreement on  
9 August 30, 2005;

10 WHEREAS, MPS filed this action against TSE for breach of the Indemnification  
11 Agreement on August 31, 2005;

12 WHEREAS, TSE served its Answer and Counterclaim on January 20, 2006, for,  
13 among other things, declaratory judgments about the parties' rights and obligations under the  
14 indemnity agreement and for breach of the indemnity agreement;

15 WHEREAS, post-trial briefing in the Texas Action is presently scheduled to  
16 conclude on February 20, 2006;

17 WHEREAS, the Parties anticipate that the Eastern District of Texas District  
18 Court's rulings on post-trial briefing will sharpen the issues at dispute between the parties and  
19 may narrow the issues to be litigated in this action;

20 WHEREAS, the Parties wish to explore potential avenues of resolving the dispute  
21 between them without the immediate burden of litigation deadlines and resulting expense;

22 WHEREAS, the Initial Case Management Conference, set by order after the case  
23 was transferred from Magistrate Judge Trumbull, is scheduled for February 17, 2006, at 10:30  
24 a.m. and the Parties' joint case management statement is due on February 10, 2006;

25 WHEREAS, the above dates have not been previously extended;

26 WHEREAS, in the interest of private and public economy, the Parties wish to  
27 delay Federal Rule of Civil Procedure Rule 26 initial disclosures, the initial case management  
28 conference, their joint case management statement and related activities to allow the Parties to

1 explore resolution of their disputes and to allow time for the court in the Texas Action to rule on  
2 post-trial motions;

3 **NOW THEREFORE IT IS HEREBY STIPULATED** by and between Plaintiff  
4 and Counterclaim Defendant Monolithic Power Systems, Inc. and Defendant and  
5 Counterclaimant Taiwan Sumida Electronics, Inc., that:

6 The initial case management conference be continued for approximately 60 days  
7 and re-scheduled for Friday, April 14, 2006;

8 The Parties' deadline for filing their Joint Case Management Statement be  
9 continued to Friday, April 7, 2006.

10 Dated: February 2, 2006

SQUIRE, SANDERS & DEMPSEY L.L.P.  
Nathan Lane III  
Joseph A. Meckes

12 By Nathan Lane III  
13 Nathan Lane III  
14 Attorneys for Defendant and Counterclaimant  
Taiwan Sumida Electronics, Inc. *by Rosslyn Hummer*

15 Dated: February 2, 2006

LATHAM & WATKINS LLP  
Mark A. Flagel  
Bob Steinberg  
Rosslyn S. Hummer

18 By Rosslyn Hummer  
19 Rosslyn Stevens Hummer  
20 Attorneys for Plaintiff and Counterclaim  
21 Defendant Monolithic Power Systems, Inc.

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23 Dated: 2/6/06

24 /s/ Ronald M. Whyte  
25 Hon. Ronald M. Whyte  
26 United States District Judge  
27  
28

**PROOF OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to this action. My business address is Latham & Watkins LLP, 633 West Fifth Street, Suite 4000, Los Angeles, CA 90071-2007.

On **February 2, 2006**, I served the following document described as:

**JOINT STIPULATION OF THE PARTIES REGARDING 60-DAY SUSPENSION OF  
RULE 26 REQUIREMENTS AND CONTINUANCE OF CASE MANAGEMENT  
CONFERENCE; [PROPOSED] ORDER**

by serving a true copy of the above-described document in the following manner:

**BY U.S. MAIL**

I am familiar with the office practice of Latham & Watkins LLP for collecting and processing documents for mailing with the United States Postal Service. Under that practice, documents are deposited with the Latham & Watkins LLP personnel responsible for depositing documents with the United States Postal Service; such documents are delivered to the United States Postal Service on that same day in the ordinary course of business, with postage thereon fully prepaid. I deposited in Latham & Watkins LLP' interoffice mail a sealed envelope or package containing the above-described document and addressed as set forth below in accordance with the office practice of Latham & Watkins LLP for collecting and processing documents for mailing with the United States Postal Service:

SQUIRE SANDERS & DEMPSEY  
Nathan Lane III  
Joseph A. Meckes  
One Maritime Plaza, Suite 300  
San Francisco, CA 94111-3492

I declare that I am employed in the office of a member of the Bar of, or permitted to practice before, this Court at whose direction the service was made and declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on **February 2, 2006**, at Los Angeles, California.



Catherine Molina